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APR 28 2014

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

MISSOULA DIVISION

(You must fill in this blank. See Instruction 7)

Clerk, U.S. District Court
District Of Montana
Missoula

(MARY B. WITTROCK DILLMAN)
Plaintiff,

VS.

(US DEPARTMENT OF EDUCATION, FEDERAL
STUDENT AID)

Defendants.

COMPLAINT

Jury Trial Demanded ☐

Jury Trial Not Demanded ☒

MARY B. WITTROCK DILLMAN, respectfully states the following: The plaintiff is being discriminated against by being denied the benefits of the Loan Discharge program offered by the US Department of Education, Federal Student Aid due to a Disability.

The plaintiff completed a Loan Discharge Application: False Certification on November 25, 2013. It was mailed tracking on November 25, 2013. The US Department of Education, Federal Student Aid received the Application in their box on November 29, 2013. From November 29, 2013 to March 6, 2014 no response was received from the US Department of Education. The plaintiff forwarded a letter to Congressman Steve Daines office to get answers. The plaintiff received a letter from GC Services on February 19, 2014 wanting her to call to discuss a settlement. The first response from the US Department of Education came from Nicole Irby, Program Specialist (Casework), on March 12, 2014 through Congressman Steve Daines office which wasn't in regards to the application that was completed on November 25, 2014. Upon speaking to Ms. Tineke Williams on March 24, 2014 at 1-800-621-3115 of the

Complaint (Revised August 2013)

Plaintiff's Last Name WITTROCK DILLMAN

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US Department of Education Ms. Williams claimed the plaintiff didn't qualify for a loan discharge due to consolidation nor did she have a right to a garnishment hearing and the Loan Discharge Application: False Certification had been denied.

March 27, 2014 the plaintiff received a letter dated March 24, 2014 from the Federal Student Aid Operations Services Processing Division that claimed the plaintiff didn't provide documentation demonstrating a condition that would bar employment in the field of study or a regulation she couldn't meet.

On completion of the plaintiff's November 25, 2014 application she indicated her disqualifying status by checking the appropriate box physical condition. The plaintiff mailed with the application a copy of her medical information plus provided the state legal requirements for employment that she could not meet.

On April 3, 2014 the plaintiff completed a second Loan Discharge Application: False Certification. It was mailed tracking on April 3, 2014. It was received by the US Department of Education, Federal Student Aid on April 8, 2014. The plaintiff included print outs of the title and/or section numbers of the specific state law or regulation that she could not meet plus additional laws. The plaintiff also included a copy of CRI's brochure plus her medical information. April 24, 2014 the plaintiff received a letter dated April 21, 2014 from Congress Steve Daines office. April 25, 2014 the plaintiff received a letter dated April 18, 2014 both denying a Loan Discharge Disqualifying Status due to failure to provide documentation demonstrating a condition that would bar employment in field of study nor a regulation she couldn't meet.

The plaintiff attended The Court Reporting Institute located at 929 North 130th Street, Suite 2, Seattle, WA 98133, during the 2004 year after an on the job injury. The plaintiff didn't know that CRI had been under investigation in 1999, 2001, 2003, and 2005 due to deceptive practices. CRI closed sometime in 2006. The plaintiff understanding of the brochure was that students where placed in employment and the certificate was a valuable credential recognized worldwide.

The plaintiff didn't become employed until September 2005 which wasn't in the field of study. The plaintiff was fired in May 2007 for being out sick to many times. The plaintiff paid monthly \$80.95 from August 2009 to June 2010 totally \$890.45.

COMPLAINT

I. PLACE OF CONFINEMENT

A. Are you incarcerated? Yes ☐ No ☐ (if No, go to Part II)

B. If yes, where are you currently incarcerated?

C. If any of the incidents giving rise to your complaint occurred in a different facility, list that facility:

II. JURISDICTION

Jurisdiction is asserted under (CHECK ANY THAT APPLY):

___ 28 U.S.C. § 1331 because it raises a civil rights claim against a state or local government employee or entity under 42 U.S.C. § 1983

___ 28 U.S.C. § 1331 because it raises a claim against a federal employee under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971)

xx 28 U.S.C. § 1332 (diversity) because all the defendants live in a different state than plaintiff

If you wish to assert jurisdiction claim under different statutes, list them below.

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

A. Non-Prisoners

1. Does any cause of action alleged in this complaint require you to exhaust administrative remedies before filing in court? Yes ☐ No ☐ Don't Know ☐

2. If yes, have you exhausted your administrative remedies? Yes ☐ No ☐

B. Prisoners (If other institutions listed in I(C) above, answer for each institution).

1. Did you fully exhaust the administrative grievance process within the jail or prison where the incidents at issue occurred? Yes ☐ No ☐

N/A

2. If you did not fully exhaust the grievance process, explain why:

(NOTE: Prisoners must exhaust their jail/prison's grievance process. Proper exhaustion requires compliance with the jail/prison's grievance deadlines and procedural rules.)

IV. PARTIES TO CURRENT LAWSUIT

A. Plaintiff MARY B. WITTRICK DILLMAN is a citizen of MONTANA,
(State)
presently residing at 648 WOODLAND PL #9;
(Mailing address or place of confinement)
who can be contacted at 406-471-6988 www.mbdwitty@ymail.com.
(Telephone with area code and e-mail address)

B. Defendant FEDERAL STUDENT AID/US ED is a citizen of WASHINGTON DC,
(State)
employed as _____ at THE DEPARTMENT OF EDUCATION.
(Position and Title, if any) (Institution/Organization)

Defendant GC SERVICES is a citizen of KNOXVILLE, TENNESSEE,
(State)
employed as _____ at GC SERVICES.
(Position and Title, if any) (Institution/Organization)

Defendant _____ is a citizen of _____,
(State)
employed as _____ at _____.
(Position and Title, if any) (Institution/Organization)

Defendant _____ is a citizen of _____,
(State)
employed as _____ at _____.
(Position and Title, if any) (Institution/Organization)

Defendant _____ is a citizen of _____,
(State)
employed as _____ at _____.
(Position and Title, if any) (Institution/Organization)

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX A: PARTIES").

V. STATEMENT OF CLAIMS

A. Count I (State your cause of action, e.g., what constitutional rights have been violated):

- 42 U.S.C. § 12132: US Code-Section 12132: Discrimination: Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

Date of incident(s):

1. Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe what happened without citing legal arguments, cases, or statutes).

- Nicole Irby, Letter, March 12, 2014, claiming I had to file for Total Permanent Disability discharge but failed to address the application I'd submitted.
- Tineke Williams, Phone Conversation, March 24, 2014, Claimed I wasn't eligible for a loan discharge because I consolidated and I didn't have a right to a garnishment hearing.
- Employees of The Department of Education, Phone Conversations, March 24, 2014, Claim I wasn't eligible for a loan discharge because I consolidated. The plaintiff had difficulties in getting straight and honest answers.
- Federal Student Aid, US Department of Education Operations Services Processing Division, letters dated March 24, 2014 and April 18, 2014 claims I didn't provide documentation demonstrating a condition that would bar employment in the field of study. The plaintiff provided her PCE from September 22, 2003 which says she is not to perform any highly repetitive hand use with either hand and the right hand and upper extremity use is limited to self paced tasks with task rotation. Her PCE from July 17, 2002 which recommended she not perform repetitive hand or upper extremity use bilaterally for reaching, handling, fingering or grasping. Task rotation with self-pacing are recommended. The plaintiff also mailed her Medical Certification dated April 8, 2004 and her physician's estimate of current physical capacities dated August 27, 2003. The plaintiff also provided the legal requirements for employment she couldn't meet in the state of residence in the occupation for which the program of study was intended.

2. Defendants Involved: (List the name of each defendant involved in this claim and specifically describe what each defendant did or did not do to allegedly cause your injury).

US Department of Education, Federal Student Aid: denied benefits of program, gave false information about Loan Discharge and Consolidation, failed to address the plaintiff's application in first letter, claimed the plaintiff didn't provide documentation demonstrating physical condition that

existed at time of enrollment, ignored documentation that verified the plaintiff's physical condition and date of physical condition. Claimed the plaintiff didn't provide state regulation, ignored documentation of state regulation that couldn't be meat,

(NOTE: For each additional claim, use a blank sheet labeled "APPENDIX B. STATEMENT OF CLAIMS." You must set forth two paragraphs for each count, one consisting of Supporting Facts (following the directions under V(A)(1)), and one consisting of Defendants Involved (following the directions under V(A)(2)).

VI. INJURY

Describe the injuries you suffered as a result of each individual defendant's actions. (Do not cite legal arguments, cases, or statutes).

Mental Anguish
Frustration
Disappointment
Worry
Anxiety
Anger
Aggravation
Stress
Inconvenience

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX C: INJURY").

VII. REQUEST FOR RELIEF

Describe the relief you request. (Do not cite legal arguments, cases, or statutes).

1. Refund of \$890.45.
2. \$15,000.00 or Discharge of the school loan.
3. 488.00 for court cost and delivery fees.
4. Any attorney fees plaintiff may accrue

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX D: REQUEST FOR RELIEF").

VIII. PLAINTIFF'S DECLARATION

A. I understand I must keep the Court informed of my current mailing address and my failure to do so may result in dismissal of this Complaint without notice to me.

B. I understand the Federal Rules of Civil Procedure prohibit litigants filing civil complaints from using certain information in documents submitted to the Court. In order to comply with these rules, I understand that:

- social security numbers, taxpayer identification numbers, and financial account numbers must include only the last four digits (e.g. xxx-xx-5271, xx-xxx5271, xxxxxxxx3567);
- birth dates must include the year of birth only (e.g. xx/xx/2001); and
- names of persons under the age of 18 must include initials only (e.g. L.K.).

If my documents (including exhibits) contain any of the above listed information, I understand it is my responsibility to black that information out before sending those documents to the Court.

I understand I am responsible for protecting the privacy of this information.

C. I understand the submission of a false statement or answer to any question in this complaint may subject me to penalties for perjury. I declare under penalty of perjury that I am the Plaintiff in this action, I have read this complaint, and the information I set forth herein is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

D. (Prisoners Only) This Complaint was deposited in the prison system for legal mail, postage prepaid or paid by the prison, on

Executed at Whitefish, MT on April 25, 2014.
(Location) (Date)

W. Wittrock
Signature of Plaintiff